THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.23844 OF 2006

Dated 23-04-2007

Between:

M/s A&A Associates Kolkata
And another …Petitioners

And

The Assistant Commercial Tax
Officer and another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.23844 OF 2006

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of.

An order was passed by the second respondent on 21-09-2006 refusing to release the goods detained by the first respondent on 29-06-2006. This Court, while entertaining the writ petition, ordered release of the goods on the condition of furnishing of bank guarantee for the value of the goods. We are told that the bank guarantee was given and goods have already been released. Learned counsel for the petitioners submits that against the order of the first respondent detaining the goods appeal has already been filed, which is pending before the appellate authority.

In this view of the matter, it will serve no purpose to keep this writ petition on board. Therefore, we dispose of the writ petition directing that the bank guarantee given in terms of the interim order of this Court, dated 17-01-2006, shall remain operative till disposal of the appeal by the appellate authority. No order as to costs.

_____

(Bilal Nazki,J)

Dated 23rd April, 2007

_____

(Nooty Ramamohana Rao,J)

vrn